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**Submission from the Synod of Victoria and Tasmania, Uniting Church in Australia on Currency (Restrictions on the Use of Cash) Bill 2019**

**12 August 2019**

The Synod of Victoria and Tasmania, Uniting Church in Australia welcomes this opportunity to provide response to the consultation on the exposure draft of the *Currency (Restrictions on the Use of Cash) Bill 2019* introducing an economy wide cash payment limit. The Synod shares the government’s concern that large cash payments facilitate money laundering in Australia and there appears to be very limited reasons why a person engaged in a lawful transaction would do so with a large amount of cash.

The Synod supports the *Currency (Restrictions on the Use of Cash) Bill 2019, Currency (Restrictions on the Use of Cash) (Consequential Amendments and Transitional Provisions) Bill 2019* and *Currency (Restrictions on the Use of Cash – Exempted Transactions) Instrument 2019* proceeding to the Parliament.

The Synod recommends that the *Currency (Restrictions on the Use of Cash) Bill 2019* be amended to include a specific section requiring a review after three years to identify the impact of the cash transaction limit and any mechanisms, arrangements or schemes that have been set up to circumvent the ban.

The Synod has taken a long interest in the need to reduce corruption in Australia and globally, as corruption does real harm to people, holds back development and undermines confidence in government and public institutions. In 2014 the meeting of 400 representatives of the Synod resolved:

*14.7.19.3. The Synod resolved:*

*(a) To continue its support for action by the Commonwealth Government to combat corruption,
 both in Australia and internationally; and*

*(b) To request the Commonwealth Government:*

1. *To extend Australia’s anti-money laundering/counter-terrorism financing laws to cover designated non-financial businesses and professions named in the Financial Action Task Force international standards, and specifically to real estate agents in relation to the buying and selling of property, dealers in precious metals and stones, lawyers, accountants, notaries and company service providers;*
2. *To require a bank or other financial institution which assesses that funds it is dealing with have a high risk of being associated with money laundering to refuse to deal with the funds unless instructed otherwise by the appropriate Australian law enforcement agency;*
3. *To share information automatically with the relevant foreign authorities when a foreign politically exposed person purchases property or transfers funds to Australia, unless the Australian authorities have some reason to carry out a prosecution of the person themselves and sharing the information would compromise that prosecution, or if the Australian Government has reasonable concerns the information is likely to be misused to carry out human rights abuses;*
4. *To establish a dedicated unit within the Australian Federal Police to investigate money and assets stolen from foreign governments and shifted to Australia by politically exposed persons and to seek to return the stolen assets where possible;*
5. *To establish a national unexplained wealth scheme to combat the ability of organised criminals to profit from their crimes, where unexplained wealth provisions are not limited by having to prove a predicate offence;*
6. *To implement an effective non-conviction based confiscation and restraint mechanism to deal with criminal assets transferred from overseas to Australia; and*

 *(c) To write to the Prime Minister, the Attorney General, the Leader of the Opposition and the Shadow Attorney General to inform them of this resolution.*

The Synod supports the establishment of a cash payment limit backed by strict liability offences. The Synod supports that both parties to the transaction, the payer and the receiving business, be subject to a penalty for a transaction exceeding the cash payment limit, to avoid parties on one side of the transaction being able to ask for cash transactions and not face sanction for doing so while all the risk of sanction rests with the parties on the other side of the transaction.

The Synod supports that cash is defined in the exposure draft as both physical and digital currency within the meaning of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006.*

The Synod supports the strict liability offences being subject to category B extended geographical jurisdictions to ensure that entities that are closely linked to Australia cannot escape the application of the law by arranging for payment and supply to take place outside of Australia.

The Synod supports entity being defined with the same meaning as within the *Income Tax Assessment Act 1997.*

The Synod supports that where the entity that committed the payment offence is not a legal person, other entities that control the actions of the entity that carried out the offence will be taken to have committed the offence. This will address attempts by people trying to circumvent the law through the use of structures that are not legal persons.

The Synod supports that it will be an offence to breach the cash payment limit if the payment or series of payments is made after the date of the commencement of the offence, even if the payment or series of payments were under an agreement made before that date.

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